

# PATENT COOPERATION TREATY

## PCT

REC'D 24 OCT 2000

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### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>AA335F/JH</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US98/15853</b>	International filing date (day/month/year) <b>30/07/1998</b>	Priority date (day/month/year) <b>30/07/1998</b>
International Patent Classification (IPC) or national classification and IPC <b>A61K7/00</b>		
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand <b>07/02/2000</b>	Date of completion of this report <b>20.10.2000</b>
Name and mailing address of the international preliminary examining authority:  <b>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</b>	Authorized officer <b>Culmann, J-C</b> Telephone No. +49 89 2399 8487 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US98/15853

## I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

### Description, pages:

1-57 as originally filed

### Claims, No.:

1-10 as received on 10/08/2000 with letter of 24/07/2000

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

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EXAMINATION REPORT**

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2. Citations and explanations

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US98/15853

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability**

1. Only 2 (two) documents are cited in the search report, both relating to shampoos. Shampoos are normally rinsed off. The subject-matter of the claims, which aims at compositions to be left on the scalp of the user, cannot thus be seen as shampoos!

The compositions of the prior art being not suitable for the stated use (shampoos are hardly left on the user's scalp), the amendment definitely distinguishes the subject-matter of the claims from the cited prior art.

2. The closest, available state of the art would then be document D1 (GB-A-1 471 406), which discloses a shampoo composition (see Example 2) comprising Carbopol 941 (a water soluble polymer of acrylic acid cross-linked with about 1% of a polyallyl ether of sucrose), pigmented epoxy resin coated aluminium foil particles, n-propanol, perfume and water.

The man skilled in the art can arrive at the invention only in the event when he decides to remove an essential feature of D1, i.e., the required organic detergent active material. By doing so, the man skilled in the art would go definitely against the very teaching of this document: it cannot thus be said that the current invention derives in an obvious way from the closest prior art.

An inventive step over D1 is thus acknowledged for the subject-matter of the claims.

**VII. Certain defects in the international application.**

On page 42, the structure corresponding to Formula (VII) is missing.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US98/15853

The unit of viscosity (centistokes) employed on page 13, line 14; on page 16, line 19; on page 19, lines 6 and 7; on page 45, line 18 is not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT.

The requirements of Rule 5.1 a) ii) PCT are not met, the documents D1 and D2 are not identified in the description and the relevant background art disclosed therein is not briefly discussed.

The description is not adapted to the claims on file.

**VIII. Certain observations on the international application.**

In claim 10, the amounts specified in item (5) are not supported by the description (see on page 19, line 12).

WHAT IS CLAIMED IS:

1. A hair conditioning composition comprising:
  - (1) a carboxylic acid/carboxylate copolymer;
  - (2) a visible particle; and
  - (3) an aqueous carrier
2. The hair conditioning composition according to Claim 1 further comprising an amphoteric conditioning polymer.
3. The hair conditioning composition according to Claim 1 further comprising a humectant.
4. The hair conditioning composition according to Claim 1 further comprising a silicone compound.
5. The hair conditioning composition according to Claim 1 further comprising an additional viscosity modifier.
6. The hair conditioning composition according to Claim 1 further comprising a UV absorber.
7. The hair conditioning composition according to Claim 1 further comprising an optical brightener.
8. The hair conditioning composition according to Claim 1 further comprising a herbal extract.
9. The hair conditioning composition according to any of the preceding claims further comprising an additional conditioning agent.
10. A hair conditioning composition comprising by weight:
  - (1) from about 0.01% to about 10% of a carboxylic acid/carboxylate copolymer;
  - (2) from about 0.01% to about 5% of a visible particle;

- 5 (3) from about 0.1% to about 20% of a humectant;  
(4) from about 0.1% to about 60% of a silicone compound;  
(5) from about 0.01% to about 10% of an additional viscosity modifier; and  
(6) an aqueous carrier.

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>AA335F/JH</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 98/ 15853</b>	International filing date (day/month/year) <b>30/07/1998</b>	(Earliest) Priority Date (day/month/year)
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.



A.D

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification<sup>6</sup> :</b> <b>A61K 7/00, 7/06</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/06089</b> <b>(43) International Publication Date:</b> 10 February 2000 (10.02.00)
<b>(21) International Application Number:</b> PCT/US98/15853 <b>(22) International Filing Date:</b> 30 July 1998 (30.07.98) <b>(71) Applicant (for all designated States except US):</b> THE PROCTER & GAMBLE COMPANY [US/US]; One Procter & Gamble Plaza, Cincinnati, OH 45202 (US). <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> SAKO, Takashi [JP/JP]; 2-3-202, Uozakikitamachi 6-chome, Higashinada-ku, Kobe 658-0082 (JP). COX, Bruce, Russell [US/JP]; 4-8-30, Sumiyoshiyamate, Higashinada-ku, Kobe 658-0063 (JP). <b>(74) Agents:</b> REED, T., David et al.; The Procter & Gamble Company, 5299 Spring Grove Avenue, Cincinnati, OH 45217 (US).		<b>(81) Designated States:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> HAIR CONDITIONING COMPOSITION COMPRISING CARBOXYLIC ACID/CARBOXYLATE COPOLYMER, AND VISIBLE PARTICLE  <b>(57) Abstract</b>  Disclosed is a hair conditioning composition comprising: (1) a carboxylic acid/carboxylate copolymer; (2) a visible particle; and (3) an aqueous carrier.		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

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DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 98/15853

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 6 A61K7/00 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
E	US 5 840 293 A (NACHT, S. ET AL.) 24 November 1998 see column 1, line 34-45; claims 1,2 ----	1
Y	GB 1 471 406 A (UNILEVER) 27 April 1977 see claim 1; examples ----	1,2,4
Y	WO 97 35543 A (THE PROCTER AND GAMBLE CO.) 2 October 1997 see claims 1,8 -----	1,2,4

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

31 March 1999

Date of mailing of the international search report

08/04/1999

Name and mailing address of the ISA

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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/15853

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5840293 A	24-11-1998	US 5871722 A	16-02-1999
		US 5538329 A	23-07-1996
		AU 662181 B	24-08-1995
		AU 2881592 A	21-05-1993
		CA 2121687 A	29-04-1993
		EP 0612241 A	31-08-1994
		JP 2516322 B	24-07-1996
		JP 7500596 T	19-01-1995
		WO 9307862 A	29-04-1993
		AT 109657 T	15-08-1994
		DE 68917429 D	15-09-1994
		DE 68917429 T	23-02-1995
		EP 0369741 A	23-05-1990
		ES 2060791 T	01-12-1994
		JP 2231418 A	13-09-1990
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GB 1471406 A	27-04-1977	NONE	
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WO 9735543 A	02-10-1997	US 5756436 A	26-05-1998
		AU 2201397 A	17-10-1997
		CA 2250384 A	02-10-1997
		EP 0892631 A	27-01-1999
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